

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CLAUDIA D. DIPRINZIO, :  
Plaintiff, : Civil Action  
v. :  
MBNA AMERICA BANK, N.A., :  
Defendant. : No. 04-872  
: (Smith, J.)  
: \_\_\_\_\_

**DEFENDANT MBNA AMERICA BANK, N.A.'S  
PRETRIAL MEMORANDUM**

Defendant MBNA America Bank, N.A. hereby submits this Pretrial Memorandum in accordance with the procedures of the Honorable Charles B. Smith.<sup>1</sup>

**I. Defendant's Exhibits**

Defendant submits, along with this document, a copy of the following Exhibits in Defendant's exhibit binder.

<b>D-1</b>	First Union Credit Card Acceptance (Application), 7/23/99 (MBNADIP0001)
<b>D-2</b>	Account Statement, 10/99 (MBNADIP0043)
<b>D-3</b>	Account Statement, 11/99 (MBNADIP0044)
<b>D-4</b>	Account Statement, 12/99 (MBNADIP0045)
<b>D-5</b>	Account Statement, 1/00 (MBNADIP0046)
<b>D-6</b>	Account Statement, 2/00 (MBNADIP0047)
<b>D-7</b>	Account Statement, 3/00 (MBNADIP0048)
<b>D-8</b>	Account Statement, 4/00 (MBNADIP0049-50)
<b>D-9</b>	Account Statement, 5/00 (MBNADIP0051)
<b>D-10</b>	Account Statement, 6/00 (MBNADIP0052)
<b>D-11</b>	Account Statement, 7/00 (MBNADIP0053)
<b>D-12</b>	Account Statement, 8/00 (MBNADIP0054)
<b>D-13</b>	Account Statement, 9/00 (MBNADIP0055)

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<sup>1</sup> The parties' Amended Joint Pretrial Stipulation, submitted to the Court when the case was pending before Judge Ludwig, remains in effect and is incorporated herein by reference.

<b>D-14</b>	Account Statement, 10/00 (MBNADIP0056-57)
<b>D-15</b>	Account Statement, 11/00 (MBNADIP0058)
<b>D-16</b>	Account Statement, 12/00 (MBNADIP0059)
<b>D-17</b>	Account Statement, 1/01 (MBNADIP0060)
<b>D-18</b>	Account Statement, 2/01 (MBNADIP0061)
<b>D-19</b>	Account Statement, 3/01 (MBNADIP0062)
<b>D-20</b>	Account Statement, 4/01 (MBNADIP0063)
<b>D-21</b>	Account Statement, 5/01 (MBNADIP0064)
<b>D-22</b>	Account Statement, 6/01 (MBNADIP0065)
<b>D-23</b>	Account Statement, 9/01 (MBNADIP0004)
<b>D-24</b>	Account Statement, 10/01 (MBNADIP0005)
<b>D-25</b>	Account Statement, 11/01 (MBNADIP0006)
<b>D-26</b>	Account Statement, 12/01 (MBNADIP0007)
<b>D-27</b>	Account Statement, 1/02 (MBNADIP0008)
<b>D-28</b>	Account Statement, 2/02 (MBNADIP0009)
<b>D-29</b>	Account Statement, 3/02 (MBNADIP0010)
<b>D-30</b>	Account Statement, 4/02 (MBNADIP0011)
<b>D-31</b>	Account Statement, 5/02 (produced by Plaintiff, includes Plaintiff's handwritten notes)
<b>D-32</b>	Account Statement, 5/02 (MBNADIP0012) (produced by MBNA)
<b>D-33</b>	Account Statement, 6/02 (produced by Plaintiff)
<b>D-34</b>	Account Statement, 6/02 (MBNADIP0013) (produced by MBNA)
<b>D-35</b>	Account Statement, 7/02 (Internet print-out produced by Plaintiff)
<b>D-36</b>	Account Statement, 7/02 (MBNADIP0014) (produced by MBNA)
<b>D-37</b>	Account Statement, 8/02 (MBNADIP0015)
<b>D-38</b>	Account Statement, 9/02 (MBNADIP0016)
<b>D-39</b>	Account Statement, 10/02 (MBNADIP0017)
<b>D-40</b>	Account Statement, 11/02 (MBNADIP0018)
<b>D-41</b>	Customer Information System Documents, Account No. 4264-2984-1467-4815, 5/17/04, entries dated 5/30/02 to 6/23/03 (MBNADIP0028-38)
<b>D-42</b>	Customer Information System Documents, Account No. 4264-2984-1467-4815, 9/7/04, entries dated 6/3/02 to 6/23/03 (MBNADIP0019-25)
<b>D-43</b>	Archived Comment Records, Account No. 4264-2984-1467-4815, 9/8/04, entries dated 6/12/04 to 8/12/04 (MBNADIP0041)
<b>D-44</b>	Customer Information System Documents, Account No. 4264-2989-9962-5018, 9/7/04, entries dated 11/7/02 to 6/23/03 (MBNADIP0026-27)
<b>D-45</b>	Customer Information System Documents, Account No. 4264-2989-9962-5018, 5/17/04, entries dated 11/7/02 to 6/23/03 (MBNADIP0039-40)
<b>D-46</b>	Non-Responsible Form, Completed by Plaintiff, 6/24/02 (MBNADIP0003)
<b>D-47</b>	Non-Responsible Form, Not Completed, From Tom Hagen to Plaintiff,

	6/25/02 (MBNADIP0066-67)
<b>D-48</b>	Letter from Olivia Banes to Mr. Previdi (Havertown address), 7/22/02 (MBNADIP0068)
<b>D-49</b>	Letter from Plaintiff to MBNA, 7/25/02 (MBNADIP0002)
<b>D-50</b>	Non-Responsible Form, Not Completed, From Tom Hagen to Plaintiff, 8/3/02 (MBNADIP0069-70)
<b>D-51</b>	Letter from Tom Hagen to Mr. Previdi (Colorado address), enclosing Non-Responsible Form, Not Completed, 8/3/02 (MBNADIP0071-72)
<b>D-52</b>	Letter from Deborah King to Mr. Previdi (Colorado address), enclosing Application Copy, 8/6/02 (MBNADIP0073)
<b>D-53</b>	Letter from Senior Account Manager to Mr. Previdi and Plaintiff (Colorado address), 8/20/02 (MBNADIP0074)
<b>D-54</b>	Letter from Denise Cohn to Mr. Previdi (Colorado address), 10/7/02 (MBNADIP0075)
<b>D-55</b>	IFCC Online Complaint Referral Form, Completed by Plaintiff (three pages), 12/17/02
<b>D-56</b>	Better Business Bureau Online Complaint Form, Completed by Plaintiff (four pages), 2/26/03
<b>D-57</b>	Letter from Cardmember Service to Plaintiff, undated (respecting increase in APR)
<b>D-58</b>	Letter from Household to Plaintiff, 12/9/02
<b>D-59</b>	Equifax Credit Report for Plaintiff, 12/17/02
<b>D-60</b>	Experian Credit Report for Plaintiff, 12/17/02
<b>D-61</b>	Trans Union Credit Report for Plaintiff, 12/17/02
<b>D-62</b>	Letter from Plaintiff to Equifax, 3/17/03
<b>D-63</b>	Letter from Plaintiff to Experian, 3/17/03
<b>D-64</b>	Letter from Plaintiff to Trans Union, 3/17/03
<b>D-65</b>	FCRA Dispute Form from Equifax to MBNA, 3/27/03 (MBNADIP0077)
<b>D-66</b>	FCRA Dispute Form from Experian to MBNA, 3/27/03 (MBNADIP0076)
<b>D-67</b>	Equifax Credit Report for Plaintiff, 4/13/03
<b>D-68</b>	Experian Credit Report for Plaintiff, 4/15/03
<b>D-69</b>	Trans Union Credit Report for Plaintiff, 7/23/03
<b>D-70</b>	E-Oscar System Printout (two pages, redacted), for Claudia D. Previdi, Control No. *9999308617136129
<b>D-71</b>	E-Oscar System Sample Screen Print (one page, redacted), 10/20/04

## II. Defendant's Witness

Denise English, a corporate representative of MBNA, will testify as to all issues of liability and damages.

### **III. Memorandum of Issues Expected at Trial**

Defendant has submitted a Trial Brief under separate cover relating to issues expected to arise at trial.

### **IV. Jury Instructions**

Defendant has submitted Proposed Jury Instructions under separate cover.

Respectfully submitted,

Dated: September 12, 2005

/s/ Karl S. Myers (VSC # KSM2012)  
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Karl S. Myers, Esquire  
Pa. Id. Nos. 46413 & 90307  
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*Attorneys for Defendant*  
*MBNA America Bank, N.A.*

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	:	(Smith, J.)
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing *Defendant MBNA America Bank, N.A.'s Pretrial Memorandum* was served today upon counsel for the parties by hand delivery, addressed as follows:

John Soumilas, Esquire  
Francis & Mailman, P.C.  
Land Title Building, 19<sup>th</sup> Floor  
100 South Broad Street  
Philadelphia, PA 19110  
*Counsel for Plaintiff*

Dated: September 12, 2005

/s/ Karl S. Myers (VSC # KSM2012)